

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JODY D. SHOCKLEY,	)	
	)	No. CV-11-312-JPH
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
v.	)	MOTION FOR REMAND
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). **ECF No. 23.** Maureen Rosette represents plaintiff. Special Assistant United States Attorney Benjamin J. Groebner represents defendant. The parties have consented to proceed before a magistrate judge. ECF No. 8.

After considering the stipulated motion, ECF No. 23, **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for a de novo hearing, including:

1. The ALJ shall consider that the claimant filed a prior claim for disability benefits which was denied by a final decision of the agency and affirmed by the District Court in civil action no. 2:04-cv-00342.

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1       2. The ALJ shall issue a new decision complying with AR 97-  
2 4(9).

3       3. The claimant shall be given an opportunity for a new  
4 hearing, to submit additional evidence and to rebut the  
5 presumption of non-disability and show changed circumstances.

6       4. The ALJ shall re-evaluate the severity of the claimant's  
7 mental impairments using the special technique and reassess the  
8 claimant's residual functional capacity.

9       5. The ALJ will re-evaluate all the opinion evidence.

10      6. If necessary, medical expert evidence may be obtained.

11      7. The ALJ will obtain vocational expert testimony with  
12 respect to whether the claimant can perform other work in the  
13 national economy with the limitations assessed.

14      Because this remand is pursuant to sentence four with a  
15 remand to the Commissioner for further proceedings (*see Melkonyan*  
16 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to  
17 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412  
18 (a), (d), upon proper request to this Court.

19 IT IS FURTHER ORDERED:

20      1. The parties' stipulated motion for an order of remand  
21 pursuant to sentence four, ECF No. 23, is **GRANTED**.

22      2. Judgment shall be entered for **PLAINTIFF**.

23      3. An application for attorney fees and costs may be filed by  
24 separate motion.

25      4. The District Court Executive is directed to enter this  
26 Order, enter judgment, forward copies to counsel, and **CLOSE** the  
27 file.

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**DATED** this 6th day of February, 2013.

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